

House Study Bill 73

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN RIGHTS/COMMISSION
ON THE STATUS OF WOMEN BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing that wage discrimination is an unfair employment
2 practice under the Iowa civil rights Act and providing an
3 enhanced remedy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1394DP 83
6 ec/nh/24

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1 1 Section 1. Section 216.6, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. (1) Employer or agent of the employer
1 4 to discriminate against any employee because of the age, race,
1 5 creed, color, sex, sexual orientation, gender identity,
1 6 national origin, religion, or disability of such employee by
1 7 paying wages to such employee at a rate less than the rate
1 8 paid to other employees who are employed within the same
1 9 establishment for equal work on jobs, the performance of which
1 10 requires equal skill, effort, and responsibility, and which
1 11 are performed under similar working conditions, except where
1 12 such payment is made pursuant to a seniority system, a merit
1 13 system, a system which measures earnings by quantity or
1 14 quality of production, or a differential based on any other
1 15 factor other than the age, race, creed, color, sex, sexual
1 16 orientation, gender identity, national origin, religion, or
1 17 disability of such employee. An employer or agent of the
1 18 employer who is paying wages to an employee at a rate less
1 19 than the rate paid to other employees in violation of this
1 20 paragraph "e" shall not remedy the violation by reducing the
1 21 wage rate of any employee.

1 22 (2) For purposes of this paragraph "e", an unfair or
1 23 discriminatory practice occurs when a discriminatory pay
1 24 decision or other practice is adopted, when an individual
1 25 becomes subject to a discriminatory pay decision or other
1 26 practice, or when an individual is affected by application of
1 27 a discriminatory pay decision or other practice, including
1 28 each time wages, benefits, or other compensation is paid,
1 29 resulting in whole or in part from such a decision or other
1 30 practice.

1 31 Sec. 2. Section 216.15, subsection 8, paragraph a, Code
1 32 2009, is amended by adding the following new subparagraph:
1 33 NEW SUBPARAGRAPH. (2A) For an unfair or discriminatory
1 34 practice relative to wage discrimination, payment to the
1 35 complainant of damages which shall include but are not limited
2 1 to an amount triple the wage differential paid to the
2 2 complainant for the entirety of the time for which the
2 3 complainant has been discriminated against.

2 4 Sec. 3. Section 216.16, subsection 1, paragraph b, Code
2 5 2009, is amended to read as follows:

2 6 b. The complaint has been on file with the commission for
2 7 at least sixty days, or for a complaint alleging wage
2 8 discrimination pursuant to section 216.6, subsection 1,
2 9 paragraph "e", at least fourteen days, and the commission has
2 10 issued a release to the complainant pursuant to subsection 2
2 11 of this section.

2 12 Sec. 4. Section 216.16, subsection 2, unnumbered paragraph
2 13 1, Code 2009, is amended to read as follows:

2 14 Upon a request by the complainant, and after the expiration
2 15 of sixty days or fourteen days, as applicable, from the timely
2 16 filing of a complaint with the commission, the commission
2 17 shall issue to the complainant a release stating that the

2 18 complainant has a right to commence an action in the district
2 19 court. A release under this subsection shall not be issued if
2 20 a finding of no probable cause has been made on the complaint
2 21 by the administrative law judge charged with that duty under
2 22 section 216.15, subsection 3, a conciliation agreement has
2 23 been executed under section 216.15, the commission has served
2 24 notice of hearing upon the respondent pursuant to section
2 25 216.15, subsection 5, or the complaint is closed as an
2 26 administrative closure and two years have elapsed since the
2 27 issuance date of the closure.

2 28 EXPLANATION

2 29 This bill provides that discrimination against any employee
2 30 on the basis of pay because of the age, race, creed, color,
2 31 sex, sexual orientation, gender identity, national origin,
2 32 religion, or disability of such employee is an unfair
2 33 employment practice under the Iowa civil rights Act. The bill
2 34 also provides that reducing the wage rate of an employee does
2 35 not remedy any potential violation for wage discrimination.

3 1 The bill provides that an unfair or discriminatory practice
3 2 occurs relative to wage discrimination when a discriminatory
3 3 pay decision is made, when an individual becomes subject to a
3 4 discriminatory pay decision, or when an individual is affected
3 5 by application of a discriminatory pay decision or other
3 6 practice, including each time wages, benefits, or other
3 7 compensation is paid, resulting in whole or in part from such
3 8 a decision.

3 9 The bill also authorizes the civil rights commission to
3 10 award damages to a person subject to wage discrimination in an
3 11 amount triple the wage differential paid to the complainant
3 12 for the entirety of the time for which the complainant has
3 13 been discriminated against.

3 14 The bill also reduces from 60 days to 14 days the period of
3 15 time a complaint alleging wage discrimination must be on file
3 16 with the civil rights commission before the complainant can
3 17 request an administrative release to pursue the case in
3 18 district court.

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